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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/091,510	12/17/1998	CHRISTOPHER TOWNSEND	2365-104	5025

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EXAMINER
BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/091,510	Townsend, et al
Examiner	**Art Unit**
Reuben Brown	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 21, 2001* .

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1, 3-8, 10-33, 35-53, and 55-69* is/are pending in the application.

4a) Of the above, claim(s) *46-53, 55-64, and 69* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3-8, 10-33, 35-45, and 65-68* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Examiner notes the typographical error listing claims from Group I, in the previous correspondence. Group I includes claims 1, 3-8, 10-33, 35-45 & 65-68. Group II includes claims 46-53, 55-60 & 69 and as per the previous correspondence, Group III includes claims 61-64. Applicant has elected Group I claims.

2. This application contains claims 46-53, 55-64 & 69 drawn to an invention non-elected with traverse in Paper No. 19. A complete reply to the final rejection must include cancellation of non-elected claims or other appropriate action.

3. Applicant's election with traverse of Group I in Paper No. 19 is acknowledged. The traversal is on the ground(s) that because the above claims previously have been examined in the case, that there is no undue burden. Examiner notes that a restriction/lack of unity requirement may be made any time before a final action. Examiner furthermore notes that the each group of claims has attained recognition in the art as separate subject matter, as shown by separate classification. It is clear the Group I claims are directed to an algorithm which enables user

interaction with a modem, in order to establish a connection with the Internet. Group II claims are independent from Group I claims, and are directed to a menu navigational system for enabling a user to interactively purchase goods and services. Group III claims are independent from the previous groups as well, and are directed to Electronic Program Guide technology. Moreover, examiner points to the amended subject matter to claims 1, 28 & 46, as evidence of their divergence.

The requirement is still deemed proper and is therefore made FINAL.

4. Applicant's arguments with respect to claims 1, 28 & 65 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3-4, 6-8, 10-14, 16-30, 32-33, 35-37, 39-45, 66 & 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton (U.S. Pat # 5,818,441), in view of Green, (U.S. Pat # 5,664,110) & Aker, (The Macintosh Companion).

Considering amended claims 1, 11 & 28, the amended claimed receiver and method for receiving broadcast TV signals representing both image data and information data, the receiver comprising a decoder for separating image data from information data, is met by the decoder 58 of Throckmorton. The instant reference teaches that both a primary data stream, i.e. video data and an associated data stream, i.e. graphics, text, URL, etc. may be transmitted to and decoded by a user's network terminal receiver 34, and decoder 58, (Fig. 2; Fig. 3; col. 6, lines 4-58).

The claimed store for storing the received information data is met by Throckmorton, col. 7, lines 30-35 & col. 7, lines 65-67. The claimed processor responsive to stored information data to output for display data derived from the image data, such that the information data represents an interactive image reads on the operation of Throckmorton, which teaches that the user is enabled to interact with URL's on web pages, which may have been stored on the user's network terminal, (col. 9, lines 1-25). The claimed modem for establishing a telecommunications link to a server, is met by the disclosure of Throckmorton, which teaches that a modem may be used to transmit interactive and/or control data over a PSTN medium, even though the receiver may also receive video data, (col. 4, lines 6, lines 65-67 and col. 7, lines 1-2; col. 8, lines 15-24).

Thus the amended claimed feature of transmitting on-line data to and from a remote site, using a modem is met by the teachings of Throckmorton, col. 8, lines 52-67. However, Throckmorton does not teach that the establishment of the connection by the modem is the result of received commands to vary an interactive image. Nevertheless, at the time the invention was made, it was well known in the art to for a user of a network data terminal device to utilize a GUI image in order to activate a modem and establish communication with a remote site, in fact the alternative of such a feature might be for the user to have to somehow interact with a physical button/switch on the instant network data terminal device, in order to establish communication which would have been very cumbersome, which in general may be inefficient use of well known software technology.

In an improvement, Green (col. 4, lines 41-65; col. 10, lines 18-28; col. 12, lines 57-67) provides a disclosure of an interactive system, wherein the user manipulates and ORDER button, 62 or 72 (Fig. 3; Fig. 5), which causes the network data terminal device, DPU 10 to establish communication with a central database, DFTC 12. Green teaches that the invention is applicable for use by PSTN, wired, wireless, or CATV networks, and thus its combination with Throckmorton is proper. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Throckmorton, with the well known technique of utilizing a GUI in order to activate a modem to establish a telecommunications link as taught by Green, at

least for the desirable advantage of enabling the user to establish the link with respect to any particular corresponding application which requires such a link, efficiently utilizing the same software application which the user may already be interacting with in order communicate over time with the remote site.

As for the specifically claimed feature of varying an interactive image, responsive to received command, at the time the invention was made, it was notoriously well known in the art of GUI technology to change the display of an icon that has been selected, thereby providing conspicuous notification to the user that the icon has been selected. As an example, Aker teaches that when an icon, or button is selected, it would be advantageous to vary the image by drawing a border around the selected icon, changing its color, or shading the icon, (pages 64-65, 80 & 88-89). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Throckmorton & Green, with the technique of varying the display of a selected icon or button, for the desirable improvement of more positively notifying the user which icon or button has been selected, as taught by Aker.

Considering amended claim 3, see Throckmorton, col. 6, lines 54-63.

Considering amended claim 4, see Throckmorton, col. 7, lines 13-30.

Considering amended claim 6, see Throckmorton, col. 3, lines 50-55; col. 6, lines 8-18 & col. 6, lines 50-55.

Considering claim 7-8, see Throckmorton, col. 7, lines 15-20.

Considering claim 10, see Throckmorton, col. 8, lines 54-67.

Considering claims, 11, 12, 16 & 29, the claimed subject matter reads on Throckmorton teaching a user interacting with Web pages.

Considering claims 13, 14, 17, 37, 40, 66 & 68, see Throckmorton, col. 8, lines 5-15.

Considering claims 18 & 41, Official Notice is taken that at the time the invention was made, it was well known in the art to generate image data with a specific size or resolution. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Throckmorton with the well known technique of predetermined screen or image size, at least for the desirable benefit of generating the image to fit a particular target display size.

Considering claims 19-22 & 42-45, it would have been obvious for one ordinary skill in the art to provide for movement of a portion interactive image, at least for the desirable benefit of more dramatically indicating to the user, the past interactions.

Considering claims 23-27, Green discusses the use of smart-card technology to restrict access to certain to only the authorized users, (col. 5, lines 22-62; col. 10, lines 34-52) and to facilitate the transmission of user ID information, without requiring the user to enter such information at keyboard for each transaction. Official Notice is taken that at the time the invention was made, it was well known to issue consumers, credit cards from financial institutions. For instance, it would have been obvious to include a means for reading credit cards from financial institutions, which would have been an advantage since there are such a high number of consumers which carry such cards, therefore the majority of the consumers could use the system right away, without having to wait for a purchase card to be sent from each individual merchant with which the user desires to shop. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Throckmorton & Green to include any number of card readers, at least depending upon the various types of cards which may be processed.

Considering claims 29-30 & 35-36, see Throckmorton, col. 3, lines 58-65 & col. 7, lines 12-35, which teaches that the associated data are displayed according to a script, and that the user is enabled to interact with the associated data.

Considering claims 32-33, the associated data in Throckmorton is displayed along with video data, including interactive data.

Considering claim 39, Throckmorton teaches that the on-line data may includes pointers to other on-line data, as well as to other content stored at the terminal, col. 9, lines 12-25.

7. Claims 5, 15, 31, 38, 65 & 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton, Green & Aker and further in view of Hendricks, (WO 94/14284).

Regarding claims 5, 15, 31 & 38, Throckmorton fails to specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However, Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the

display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Throckmorton by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers. Also storing template data on the local receiver, reduces the need for the instant local receiver to retrieve more of the data required by the user over the network, thereby causing the user to receive information faster, and without unnecessary network delay.

Considering claims 65 & 67, Hendricks discloses plural interactive screens (Fig. 8; Figs. 11A-11E).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Majeti Teaches the uses of PSTN for transmitting low bandwidth intensive data, thereby reserving high bandwidth resources for content such video, (col. 6, lines 60-67; col. 8, lines 1-26; col. 8, lines 44-61). Also discloses using a modem to connect with the PSTN, (col. 6, lines 58-61 & col. 7, lines 64-67).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

CHRIS GRANT
PRIMARY EXAMINER